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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Attorney Docket 3070A

Inventor: Joel D. Martz

Serial No.: 10/702,098

Filed: November 5, 2003

For: CONSTRUCTION OF CARPET WITH BREATHABLE MEMBRANE FOR
ELIMINATING MOISTURE FROM SURFACE COVERED BY THE CARPET

Examiner: Cheryl A. Juska

Art Unit: 1771

MAILING CERTIFICATE

This correspondence, Notice of Appeal plus Petition for Extension of Time attached to the Notice of Appeal, is being transmitted to the Commissioner for Patents by express mail.
Label No: ER 596072169 US

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board of Patent Appeals and Interferences the decision of the examiner, in an Office Action dated July 5, 2006, in finally rejecting Claims 1 - 11 and 14-22 in the above-identified patent application.

The Office Action set a three-month term of response terminating on October 5, 2006.

Enclosed is a petition to extend the time for response to January 5, 2007.

The small-entity fee for the Notice of Appeal is \$250.00.

The small-entity fee for the extension of time is \$510.00

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Enclosed is a check in payment in the amount of \$760.00 to cover the small entity fees for the Notice of Appeal and the Extension of Time.

Respectfully submitted,



David M. Warren

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Dated: *December 31, 2006*